IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

Regular Second Appeal No.460 of 2007.
Date of decision: 09.10.2007

Chamaru Ram ….**Appellant**

Versus

State of H.P. & Ors. ….**Respondents**

Coram

The Hon'ble Mr.Justice Dev Darshan Sud,J.

Whether approved for reporting ?[1]

For the Appellant: **Mr.R.K. Gautam, Senior Advocate with Mr.Naveen K.Bhardwaj, Advocate.**

For the Respondents: **Mr.Rajan Dewan, Additional Advocate General.**

Dev Darshan Sud,J.

This is a plaintiff's second appeal against the judgment of the two Courts below dismissing the suit of the plaintiff against the respondents-defendants praying for a decree of declaration that he has become owner of the suit land by way of adverse possession. The claim is founded on his long uninterrupted possession after cancellation of the Nautor grant by the Deputy Commissioner. The learned trial Court concluded as a fact that the appellant-plaintiff had not perfected his title and that the order of cancellation is justified. These findings have been affirmed by the learned appellate Court.

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[1] ***Whether the reporters of Local Papers may be allowed to see the judgement*?**

I have heard learned counsel for the parties and have gone through the judgments of both the Courts below.

I find that the assessment of the evidence and the findings arrived at by both the Courts below are in accordance with law and do not call for any interference. The plaintiff also cannot claim adverse possession on land which was granted to him as Nautor and which has been cancelled by the State. The principles of adverse possession are by now well settled. ***(See: State of Rajasthan vs. Harphool Singh (Dead) Through LRs, (2000) 5 SCC 652).***

I do not find that the plaintiff has been able to establish his claim. This appeal is, accordingly, dismissed.

Learned counsel for the appellant prays that the appellant be allowed to represent his case before the Authorities and that the dismissal of the appeal should not be construed as a bar to such representation which may be made by the appellant. This prayer of the learned counsel for the appellant is allowed. It is open to the appellant to petition the Authorities who, when such representation is made, shall consider the merits of the case of the appellant totally uninfluenced by any observation which may have been made herein. There shall be no order as to costs.

October 9, 2007 **(Dev Darshan Sud)**
(aks) **Judge.**